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18 CORY SPENCER, DIANA MILENA
19 REED, and COASTAL PROTECTION
20 RANGERS, INC.

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
25 individual; and COASTAL
26 PROTECTION RANGERS, INC., a
27 California non-profit public benefit
28 corporation,

Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)
**DECLARATION OF SAMANTHA D.
WOLFF IN SUPPORT OF
PLAINTIFFS' REPLY RE: MOTION
FOR SANCTIONS AGAINST
DEFENDANTS CHARLIE FERRARA,
FRANK FERRARA AND SANG LEE**

1
2 v.
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4 LUNADA BAY BOYS; THE
5 INDIVIDUAL MEMBERS OF THE
6 LUNADA BAY BOYS, including but
7 not limited to SANG LEE, BRANT
8 BLAKEMAN, ALAN JOHNSTON
9 AKA JALIAN JOHNSTON,
10 MICHAEL RAE PAPAYANS,
11 ANGELO FERRARA, FRANK
12 FERRARA, CHARLIE FERRARA,
13 and N. F.; CITY OF PALOS VERDES
14 ESTATES; CHIEF OF POLICE JEFF
15 KEPLEY, in his representative
16 capacity; and DOES 1-10,

17 Defendants.
18

(Filed concurrently with Plaintiffs' Reply
to Defendants Charlie Ferrara, Frank
Ferrara, and Sang Lee's Oppositions to
Plaintiffs' Motion for Sanctions)

Judge: Hon. Rozella Oliver
Date: October 12, 2017
Time: 10:00 a.m.
Crtrm.: F, 9th Floor Spring Street
Courthouse, 312 N. Spring Street

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

14 I, Samantha D. Wolff, declare as follows:

15 1. I am a Partner with the law firm Hanson Bridgett LLP, counsel of
16 record in this matter for Plaintiffs Cory Spencer, Diana Milena Reed, and the
17 Coastal Protection Rangers, Inc. ("Plaintiffs"). This declaration describes factual
18 circumstances that support Plaintiffs' Motion for Sanctions against Defendants
19 Charlie Ferrara, Frank Ferrara and Sang Lee. I have personal knowledge of the
20 matters set forth in this declaration and could and would competently testify to
21 them. All of the matters stated here are known to me personally, unless stated on
22 information and belief; and with regard to those statements, I am informed and
23 reasonably believe them to be true.

24 2. On July 6, 2016, I sent a litigation hold letter to Edward Ward, counsel
25 for Defendant Sang Lee, via email. A true and correct copy of the cover email that I
26 sent to Mr. Ward and the litigation hold letter are attached as **Exhibit 1**.

27 3. On October 2, 2017, Defendant Papayans produced over 500 pages of
28 previously unproduced text messages, bates stamped MP 00117 to MP 00618. True

1 and correct copies of redacted excerpts from this production are attached as **Exhibit**
2 **2.** For the Court's reference, the following phone numbers are associated with
3 relevant persons in this matter:

Individual	Last 4 Digits
Sang Lee	0699
Michael R. Papayans	1103
Charles Mowat	9561
Michael Thiel	3207

4. On September 11, 2016, Plaintiffs served a set of Demands for the
5 Production of Documents on Defendant Alan Johnston. As is relevant here,
6 Demand No. 9 sought all documents referring or related to efforts to keep people
7 from surfing Lunada Bay and Demand No. 10 sought texts with anyone who surfs or
8 has surfed at Lunada Bay referring or related to efforts to keep anyone from surfing
9 there.

10. On September 12, 2016, Plaintiffs served a set of Requests for
11 Production of Documents to Defendant Blakeman. As is relevant here, Request No.
12 9 sought all documents referring or related to efforts to keep people from surfing
13 Lunada Bay and Demand No. 10 sought texts with anyone who surfs or has surfed at
14 Lunada Bay referring or related to efforts to keep anyone from surfing there.

15. On October 20, 2016, Plaintiffs served a set of Requests for Production
16 of Documents to the City of Palos Verdes Estates. As is relevant here, Demand No.
17 2 sought all document referring or related to any defendant, and Demand No. 21
18 sought all documents referring or related to the Lunada Bay Boys.

19. On November 7, 2016, Plaintiffs served a set of Requests for
20 Production of Documents to Defendant Sang Lee. As is relevant here, Request No.
21 9 sought all documents referring or related to efforts to keep people from surfing
22

1 Lunada Bay and Request No. 10 sought texts with anyone who surfs or has surfed at
2 Lunada Bay referring or related to efforts to keep anyone from surfing there.

3 8. On November 16, 2016, Plaintiffs served a set of Requests for
4 Production of Documents on Defendant Frank Ferrara. As is relevant here, Request
5 No. 4 sought any communication with persons interested in protecting Lunada Bay
6 from non-locals; Request No. 5 sought texts referring or related to access at Lunada
7 Bay, and Request No. 7 sought text messages or records of phone calls with a co-
8 defendant in this matter.

9 9. On November 16, 2016, Plaintiffs served a set of Requests for
10 Production of Documents on Defendant Charlie Ferrara. As is relevant here,
11 Request No. 4 sought any communication with persons interested in protecting
12 Lunada Bay from non-locals; Request No. 5 sought texts referring or related to
13 access at Lunada Bay, and Request No. 7 sought text messages or records of phone
14 calls with a co-defendant in this matter.

15 10. On February 1, 2017, Plaintiffs served a set of Requests for Production
16 of Documents on Defendant Michael R. Papayans. As is relevant here, Request No.
17 4 sought any communication with persons interested in protecting Lunada Bay from
18 non-locals; Request No. 5 sought texts referring or related to access at Lunada Bay,
19 and Request No. 7 sought text messages or records of phone calls with a co-
20 defendant in this matter.

21 11. On June 2, 2017, Plaintiffs served a set of Requests for Production of
22 Documents to Defendant Angelo Ferrara. As is relevant here, Request No. 4 sought
23 any communication with persons interested in protecting Lunada Bay from non-
24 locals; Request No. 5 sought texts referring or related to access at Lunada Bay, and
25 Request No. 7 sought text messages or records of phone calls with a co-defendant in
26 this matter.

27 12. On July 10, 2017, my co-counsel in this matter, Victor Otten, deposed
28 Defendant Frank Ferrara. A true and correct copy of relevant portions of Defendant

1 Ferrara's deposition transcript is attached as **Exhibit 3**.

2 13. On September 2, 2017, Defendants Charlie and Frank Ferrara produced
3 additional documents and included, for the first time, a "Redaction Index." A true
4 and correct copy of this "Redaction Index" is attached as **Exhibit 4**.

5 14. On September 18, 2017, I emailed counsel for Charlie and Frank
6 Ferrara, Courtney Serrato, regarding the "Redaction Index." I advised that because
7 no objections were made on the basis of privilege in response to her clients' initial
8 document requests, any applicable privilege was waived. I asked Ms. Serrato to
9 please prepare a revised Redaction Index and remove all corresponding redactions.
10 A true and correct copy of my September 18, 2017 email is attached as **Exhibit 5**.

11 15. On September 20, 2017, Ms. Hurley responded to my September 18,
12 2017 email. Ms. Hurley stated that they were not agreeable to removing the
13 redactions and disagreed her clients' initial discovery responses waived the attorney-
14 client privilege. A true and correct copy of Ms. Hurley's September 20, 2017 email
15 is attached as **Exhibit 6**.

16 16. On September 29, 2017, a Senior Counsel in my office, Russell
17 Peterson, responded to Ms. Hurley's email via written letter. Mr. Peterson
18 explained why her clients' claims of privilege had been waived, and additionally
19 why their privilege logs were wholly inadequate. A true and correct copy of Mr.
20 Peterson's letter, which I received via email, is attached as **Exhibit 7**.

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17. On July 28, 2017, my colleague in this matter, Lisa Pooley, deposed
2 Defendant Alan Johnston. A true and correct copy of relevant portions of Defendant
3 Johnston's deposition transcript is attached as **Exhibit 8**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 9, 2017, at Walnut Creek, California.

/s/ *Samantha D. Wolff*
Samantha D. Wolff